IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1809 OF 2005
IN
FIRST APPEAL NO.185 OF 2005
with
CIVIL APPLICATION NO.1812 OF 2005
IN
FIRST APPEAL NO.188 OF 2005
with
CIVIL APPLICATION NO.1815 OF 2005
IN
FIRST APPEAL NO.191 OF 2005
with
CIVIL APPLICATION NO.1816 OF 2005
IN
FIRST APPEAL NO.192 OF 2005
with
CIVIL APPLICATION NO.1820 OF 2005
IN
FIRST APPEAL NO.196 OF 2005
with
CIVIL APPLICATION NO.1822 OF 2005
IN
FIRST APPEAL NO.198 OF 2005
with
CIVIL APPLICATION NO.1823 OF 2005
IN
FIRST APPEAL NO.19 OF 2005
with
CIVIL APPLICATION NO.1824 OF 2005
IN
FIRST APPEAL NO.200 OF 2005
with
CIVIL APPLICATION NO.1825 OF 2005
IN
FIRST APPEAL NO.201 OF 2005
with
CIVIL APPLICATION NO.1826 OF 2005
IN
FIRST APPEAL NO.202 OF 2005
with
CIVIL APPLICATION NO.1829 OF 2005
IN
FIRST APPEAL NO.207 OF 2005
with
CIVIL APPLICATION NO.1831 OF 2005
IN
FIRST APPEAL NO.207 OF 2005
with
CIVIL APPLICATION NO.1841 OF 2005
IN
FIRST APPEAL NO.217 OF 2005
with
CIVIL APPLICATION NO.1842 OF 2005
IN
FIRST APPEAL NO.218 OF 2005
with
CIVIL APPLICATION NO.1845 OF 2005
IN
FIRST APPEAL NO.221 OF 2005
with
CIVIL APPLICATION NO.1846 OF 2005

IN
FIRST APPEAL NO.222 OF 2005
with
CIVIL APPLICATION NO.1853 OF 2005
IN
FIRST APPEAL NO.229 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's Orders.	Courts or Judge's orders

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Mr.S.M. Gorwadkar for applicant.
Mr.K.K. Tated, AGP

CORAM : S.B.MHASE &
S.R.SATHE,JJ.
DATED : 18 JULY, 2005.

P.C:

1. Heard both sides.

2. This is an civil application for withdrawal of the decreetal amount deposited by the respondent-Government as per the directions of this Court. This is enhanced compensation amounts in the land reference proceedings as the lands of the applicants has been acquired for public purpose.

3. The learned counsel for the applicant submitted that the total amount be released in favour of the applicant. He ultimately submitted that he is

ready to give Bank Guarantee to the extent of 50% amount and 50% amount may be released without Bank Guarantee.

4. Mr.Tated, learned AGP submitted that the amount may not be released. He submitted that the reference court has exorbitantly enhanced the amounts and, therefore, he opposed for release of the amounts to the extent of 50% on Bank Guarantee and 50% without Bank Guarantee.

5. Looking to the controversy in this matter, we find that it will be appropriate to release 25% of the decretal amount in favour of the applicant in the land reference without surety, and remaining 75% percent of the decretal amounts to be released Bank Guarantee. Therefore, we pass the following order ;

(i) The Executing Court is hereby directed that the decretal

amount to the extent of 25% only as per the Award shall be paid without surety to the applicant in the land reference. Rest of the decretal amount i.e. 75% be paid to the applicant on their furnishing Bank Guarantee of nationalised Bank which will be continuously operating till final disposal of the First Appeal.

(ii) The civil application is, accordingly, disposed off.

(S.R. Sathe, J.) (S.B. Mhase, J.)